

EXHIBIT M

Hayes, Melanie

From: Clements, James D
Sent: Tuesday, August 24, 2010 11:50 PM
To: 'Lawsonservice@merchantgould.com'; 'Carr, Dabney J.'; 'Angle, Robert A.'
Cc: ML-ePlus Goodwin Service; 'cmerritt@cblaw.com'; 'hwillett@cblaw.com'; 'rrandolph@cblaw.com'
Subject: ePlus v. Lawson: Final Pretrial Order

Attachments: ePlus_ Revised -- Draft Final Pre-Trial Order - Revised 08 24 10 (2).DOC; FPTO - Appendix 1 - ePlus witness list.DOC; FPTO - Appendix 2 - Lawson witness list.DOC; Lawson NO Objections to ePlus Exhibits (2).DOC; Lawson Objections ONLY to ePlus Exhibits (2).DOC; ePlus NO Objections to Lawson Trial Exhibits (2).DOC; ePlus OBJECTIONS to Lawson Trial Exhibits (2).DOC; ePlus_ Master Table - ePlus Deposition Designations - Depositions Only (2).DOC; FPTO - Appendix 8 - ePlus Rog Designations.DOC; ePlus_ Master Table - ePlus Deposition Designations - Live Witnesses.DOC; ePlus_ Master Table - Lawson Deposition Designations - Depositions Only.DOC; FPTO - Appendix 11 - Lawson Rog Designations.DOC; ePlus_ Master Table - Lawson Deposition Designations - Live Witnesses (2).DOC; FPTO ePlus Rog Desig Tab 1-8.pdf

Counsel:

Attached is a revised draft of the final pretrial order with attached Appendices 1-12 (and Tabs1-8 to Appendix 8) for your review. We have revised the witness lists, exhibit lists, and deposition designations to reflect discussions between the parties during meet-and-confers and through correspondence.

The changes made to the deposition designations, which were based upon the parties' discussions during last week's meet-and-confers, are reflected in the list below. Please let us know if Lawson has any further testimony designations or objections to withdraw.

ePlus disagrees with Lawson's position as to several of the Lawson exhibits it contends have been stipulated (as stated in Ms. Stoll-DeBell's email from earlier this evening). First, ePlus objects to, among others, the following Lawson exhibits: DX-120, DX-121, DX-122, DX-124 and DX-158. ePlus objects to DX-120, DX-121, and DX-122 as being inaccurately described and because they are incomplete documents. DX-124 is objected to as not relevant. The document relates to a version of the PO Writer product that is not at issue. ePlus objects to DX-158 as being inadmissible hearsay and not relevant.

ePlus has also already made objections to exhibits DX-80, DX-81, DX-83, DX-99, DX-100, DX-101, DX-103, DX-109, DX-349 - DX-361, DX-363, and DX-364 as being improper Rule 1006 summaries. While the parties have agreed to discuss the latter exhibits later this week, ePlus maintains its objections thereto.

ePlus further objects to the descriptions of DX-232 and DX-233 as allegedly "certified copies," when they are not. ePlus also notes that with respect to DX-232 (an uncertified copy of the file history for the '516 Patent), ePlus has offered a certified copy of the '516 file wrapper (PX-0005). Thus, ePlus requests that Lawson withdraw the uncertified copy.

ePlus intends to file the final pretrial order on Thursday in accordance with the Court's order. Accordingly, we would appreciate receiving any final comments you have on the attached drafts of the pretrial order and appendices no later than tomorrow at 3 pm.

Thanks,
 Jimmy



ePlus_ Revised -- Draft Final ... 1 - ePlus witn... 2 - Lawson wit...jections to ePlusctions ONLY to ections to LawsoTIONS to Lawso



ePlus_ Master FPTO - Appendix ePlus_ Master ePlus_ Master FPTO - Appendix ePlus_ Master FPTO ePlus Rog
Table - ePlus D...8 - ePlus Rog ...Table - ePlus D...fable - Lawson ..11 - Lawson Ro...fable - Lawson ..Desig Tab 1-8.p..

LYNN CIMINO

Withdrew Objections:

58:22-59:22
84:8-12
85:25-86:6
145:9-19
150:21-151:6

Withdrew Testimony Designations:

109:24-110:16

ROBERT IRWIN

Withdrew Objections:

55:16 – 56:19
57:11 – 58:7
67:25-68:23

MANUEL MATIAS

Withdrew Objections:

41:21-24
88:8-20
90:25-91:3

LAURENE MCENENY

Withdrew Objections:

17:24 – 19:10
20:8-15
24:3-4; 24:11
53:17-19; 53:22-23
109:17 – 111:3
116:1 – 117:1
147:16 – 148:9; 148:11-22
149:3 – 150:21 (611 only)

Changed Testimony Designations and Withdrew Objections:

25:11-26:5; 26:7-26:12
106:7 – 106:19; 106:23 – 107:20
144:20 – 145:7; 145:9; 145:12-19 (attorney objection only)

Withdrew Testimony Designations:

19:7-22

KRISTY OLIVER

Added Objections:

19:23-20:7

Changed Objections:

134:4-9

GERARD WISSING

Added Objections:

52:5-16

Withdrew Objections:

11:3-4, 12-13 (vague and ambiguous only)
25:21-26:3 (vague and ambiguous only)
35:7-36:1 (vague and ambiguous only)

WILLIAM YUHASZ / VICKY WILLIAMS

Added Objections:

18:3-17

Withdrew Testimony Designations:

77:19-24

Withdrew Counter Designations:

76:6-77:18
77:25-78:5

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